

REMARKS

The applicant and undersigned wish to thank Examiner Dao and Examiner Anderson for their time and helpful discussion during the telephone interview held January 22, 2008. The following is a summary of the substance of the interview.

The prosecution history of the present application was briefly reviewed and discussed. This was followed by a review and discussion of the present invention and how it is distinguishable from Henry and Cantwell. There appeared to be general agreement that the present invention is distinguishable over the combination of Henry and Cantwell, but that some clarifying amendments to the claims is necessary. The remainder of the interview consisted of a discussion of possible amendments to the claims would clarify various conditions or circumstances in which the present invention may be advantageously used.

On January 28, 2008, the undersigned faxed a proposed amendment. On January 29, 2008, Examiner Dao issued an Interview Summary.

The Present Amendments

Further to that discussion held during the telephone interview and the Interview Summary, independent claims 1, 7, 8 and 14 have been amended to clarify a particular condition or circumstance (*i.e.*, insufficient wireline bandwidth between two or more central offices, tandem switches or other premises controlled by an ILEC) in which the present invention may be advantageously used. This particular condition or circumstance was previously recited in dependent claim 3 which has been cancelled. It is believed that

the amendments to independent claims 1, 7, 8 and 14 closely follow the discussion of the telephone interview and that those claims, as well as the remaining claims which depend from them, should be allowable.

As was also discussed during the telephone interview, in addition to a situation involving insufficient wireline bandwidth provided by an ILEC, there are other conditions or circumstances in which the present invention may be used. These other conditions or circumstances may be present **even though there is sufficient wireline bandwidth available**. Stated another way, these other conditions or circumstances represent additional, independent problems which the present invention solves. These additional conditions or circumstances were previously claimed in dependent claims 4-6. Applicant has cancelled dependent claims 4-6 and added new independent claims 15-17 to claim the present invention, with a scope of coverage that applicant believes is appropriate, in connection with each of these additional conditions or circumstances.

With respect to the §103 rejection based on the combination of Henry and Cantwell set forth in the Office Action dated September 24, 2007, applicant believes that in light of (a) the substance of the telephone interview held January 22, 2008 and (b) prior responses which have addressed those references in detail on multiple occasions, it is not necessary to repeat previous arguments in detail here. To the extent necessary, Applicant incorporates by reference the analysis and arguments set forth in the Amendment filed July 2, 2007 regarding Henry and Cantwell.

Please charge any additional fee occasioned by this paper to our Deposit Account
No. 03-1237.

Respectfully submitted,

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